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EXAMINER

RIMELL, SAMUEL G

ART UNIT

2175

PAPER NUMBER

11

DATE MAILED: 06/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/731,365

Applicant(s)

SAXENA, AVINASH C.

Examiner

Sam Rimell

Art Unit

2175

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 6-24 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-24 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

SAM RIMELL
PRIMARY EXAMINER

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-4 and 6-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Saksena et al. ('726).

Claim 1: FIG. 2 of Saksena discloses the step of receiving a request (202) at an origin server (203) for a web page (204). The web page may reside at the origin server (203). As seen in FIG. 3, the document request which is sent to the server includes a path file (309). A sample pathfile is illustrated at column col. 6, line 61 through col. 7, line 10.

The pathfile defines a prefetch graph since it includes a plurality of nodes. The first node of this prefetch graph is the main URL address. In col. 6, line 61 through col. 7, line 10, the URL address is: <http://gagan/>, which is the first node. The second node may be a secondary addresses within the URL, such as "first.html" and "second.html" illustrated at col. 7, lines 5 and 7 respectively. These define retrievable web pages.

The links are html addresses that link the second node to the first node. For example, “/index.html” is a link between the second nodes and the first node. The address “/contents.html” is also a link between first node and second node.

Each of the links have specifically assigned transaction weights. For example, the link “/index.html” has an assigned transaction weight of “0.2”

Each link is also associated with a user weight. The user weight is the user defined threshold value (col. 3, lines 57-67).

Claim 2: Each link in the pathfile is a hypertext link.

Claim 3: The assignment of the transaction weight (such as the weight 0.2 assigned to “/index.html”) is considered a step of updating the transaction weight.

Claim 4: Any assignment of a transaction weight is considered the step of changing the transaction weight.

Claim 6: The priority is the relative value of the transaction weight.

Claim 7: For any of the links, the user weight is the threshold value determined by the user (col. 7, lines 43-45). Setting or changing the threshold value is considered a step of updating that value.

Claim 8: The user can change the user weight. The user can use any logical criteria for setting the weight, including consideration of server characteristics.

Claim 9: The user weight can be increased or decreased.

Claim 10: The pathfile which defines the prefetch graph derives from the user, who also possesses the local cache (col. 1, lines 37-39). If the local cache is defined as the local hard drive of the user, than the pathfile which defines the prefetch graph would be stored at the local cache.

Claim 11: Web pages are selected having transaction weights which exceed the threshold value. Thus, the transaction values of these pages are highest.

Claim 12: The highest weight is associated with the highest numerical value.

Claim 13: The transaction weights are compared against a user threshold value.

Claim 14-15: The user can update the threshold value based on any logical criteria desired by the user. This may include criteria related to the user's computer or criteria related to the network.

Claim 16: See remarks for claim 1. The "origination node" is the URL address "http:/gagan". The first and second nodes are the secondary web pages, such as "first html" and "second html". The first and second links are the linking pages "index.html" and "contents.html".

Claim 17: See remarks for claim 3.

Claim 18: See remarks for claim 7.

Claim 19: See remarks for claim 13.

Claim 20: See remarks for claim 14.

Claim 21: See remarks for claim 2.

Claim 22: See remarks for claim 11.

Claim 23: See remarks for claim 12.

Claim 24: The origination node is the URL address "http:/gagan". The first node is a secondary address, such as "first.html". The first link is an address that links the origination node and first node, such as "index.html". Each link has an assigned transaction weight, such as "0.2" for the link "index.html". The user weight is the user assigned threshold value.

Remarks

Examiner notes that a signed copy of applicant's information disclosure statement is included with this action.

Applicant's arguments have been considered.

Applicant argues that Saksena does not disclose a user weight, and that the threshold value recited by the examiner as correlating to the user weight is not readable as a "weight".

These arguments have been considered, but are not viewed as being correct. First, it should be understood that Saksena establishes transaction weights. These are the weights associated each of the links as shown in col. 7, lines 1-10. Applicant agrees that these are in fact weight values (page 9, line 19 of applicant's response states... "Second, the passage of *Saksena* cited by the examiner disclose a prefetch weight, but not any other type of weight"). The threshold values disclosed by Saksena at col. 3, lines 57-67 are the minimum weights which trigger a prefetch. Therefore, if it is agreed by both examiner and applicant that the Saksena discloses transaction weights associated with each link, then the threshold values are also weights because they are simply the minimum values of weight that trigger a pre-fetch. Accordingly, examiner maintains that the threshold values are in fact weight values.

Additionally, examiner finds that the threshold values are not only weight values, they are user weight values because they are explicitly defined by a user (col. 3, lines 61-62). Accordingly, these threshold values are considered to be user weights as defined in claim 1.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 2175

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication should be directed to Sam Rimell at telephone number (703) 306-5626.



Sam Rimell
Primary Examiner
Art Unit 2175